

## Manatee County Zoning Ordinance

### **PDR-22-10(Z)(G) – GAGNE GENERAL DEVELOPMENT PLAN WITH REZONE – ROBERT H. GAGNE REVOCABLE TRUST 2008 AND CSR ACQUISITION COMPANY 1, LLC – PLN2203-0165**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 123.6 ACRES GENERALLY LOCATED NORTH OF SR 62 AND APPROXIMATELY 1.5 MILES EAST OF US 301, AND COMMONLY KNOWN AS 14730 SR 62, PARRISH (MANATEE COUNTY) FROM A (GENERAL AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A RESIDENTIAL DEVELOPMENT OF 288 RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Robert H. Gagne Revocable Trust 2008 and CSR Acquisition Company 1, LLC (the “Applicant”) filed an application to rezone approximately 123.6 acres described in Exhibit “A”, attached hereto, (the “Property”) from A (General Agriculture) to the PDR (Planned Development Residential) zoning district; and

**WHEREAS**, the applicant also filed a General Development Plan for a residential development of 288 residential units (the “project”) on the property; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Section 401.3.E.8 to reduce the required yard adjacent to agricultural operations from 35-feet greater than otherwise required by Code to a 20-foot wide screening buffer; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on February 9, 2023, to consider the rezone, General Development Plan and Specific Approval applications and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications subject to the stipulations contained in the staff report.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA;**

**Section 1. FINDINGS OF FACT.** The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A (General Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on February 16, 2023, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section LDC Sec. LDC Section 401.3.E.8, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree, because additional landscaping or a fence will be provided to separate the residential lots from adjacent active agricultural operations.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for a residential development of 288 residential units, upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. Final Site Plan (FSP) review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
2. The Homeowner's Documents shall include a notice to inform homeowners of:
  - a. The presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
  - b. Inter neighborhood ties for this project shall connect to future roadways when development occurs on the properties to the east and west. These inter neighborhood ties may be gated in accordance with the requirements of applicable county ordinances and regulations
  - c. The development may be a gated community, and if gated, the internal streets within this subdivision will be privately owned and maintained by either a Homeowner's Association or other appropriate legal entity. Any gates shall be accessible to

emergency providers in accordance with the requirements of applicable county ordinances and regulations.

3. At the time of Final Site Plan (FSP) review, the project shall demonstrate there are no active agricultural uses adjacent to the project boundary. If active agricultural uses are adjacent to proposed residential lots within the project boundary, an alternative 20-foot screening buffer shall be provided having a 6-foot fence or shrubs and trees with 80% opacity within the entire buffer. If no active agricultural uses are adjacent, a 15-foot perimeter buffer in accordance with the LDC shall be required.

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. No lots shall be platted through post-development wetlands or wetland buffers. Before Final Site Plan approval, lots will need to be drawn so they do not encroach into the wetlands or wetland buffers. Buffer encroachments and buffer restoration plans will be addressed during Final Site Plan to ensure consistency with the County's variable width buffer requirement per LDC Section 706.4.C and buffer restoration requirements per LDC Section 706.4.D.
4. Pursuant to the Ecological Narrative (April 2022) by Steinbaum and Associates, Inc., ninety (90) days prior to construction and land clearing, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, a FWC permit will be obtained for relocation and/or management of tortoises.
5. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
  - Digital photographs of the well along with nearby reference structures (if existing);
  - GPS coordinates (latitude/longitude) of the well;
  - The methodology used to secure the well during construction (e.g. fence, tape); &
  - The final disposition of the well - used, capped, or plugged.
6. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

## **C. STORMWATER**

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling

shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 100-year floodplain as derived from the Gamble Creek Watershed Management Plan (WMP), the FEMA August 10, 2021, effective FIRM, and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

Storm Frequency:	Cumulative Rainfall:	Rainfall Distribution:
10-year/24-hour	7 inches	FLMOD
25-year/24-hour	8 inches	FLMOD
50-year/24-hour	9 inches	FLMOD
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Gamble Creek Watershed Management Plan) shall be submitted to demonstrate compliance prior to commencement of construction.

2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the 25-year/24-hour allowable pre-development rate of discharge has been reduced by fifty (50) percent for Gamble Creek Watershed.
3. Any fill within the 100-year floodplain with respect to the rainfall component of flooding shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling to demonstrate no adverse drainage impacts are created for design storm frequency events to a no-rise condition.
4. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of less than 7.5 feet.

#### **D. INFRASTRUCTURE**

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines and/or lift station up grades, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall



be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for alternatives to Land Development Code Section 401.3.E.8 to reduce the required yard adjacent to agricultural operations from 35-feet greater than otherwise required by Code to a 20-foot wide screening buffer.

**Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS.** The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference herein, from A (General Agriculture) to the PDR (Planned Development Residential) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

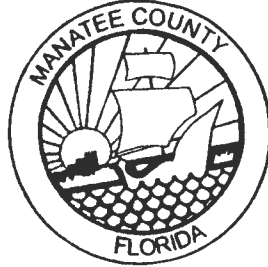
**Section 5. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 6. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

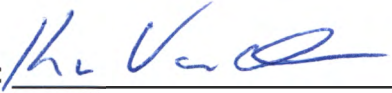
**Section 7. STATE AND FEDERAL PERMITTING.** The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

**Section 8. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

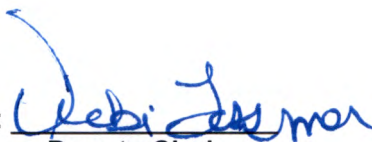
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 16<sup>th</sup> day of February 2023.



**BOARD OF COUNTY  
COMMISSONERS OF MANATEE  
COUNTY, FLORIDA.**

BY:   
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO**  
Clerk of the Circuit Court

BY:   
Deputy Clerk

## **Exhibit "A"**

### **Legal Description**

A parcel of land lying in Section 22, Township 33 South, Range 19 East, Manatee County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 22, run thence along the West boundary of said Section 22, the following two (2) courses: 1) North 00°19'08" East, 60.00 feet to a point on the North maintained right-of-way line of State Road 62 (Parrish - Wauchula Road) for a Point of Beginning; 2) continue North 00°19'08" East, 2453.09 feet to the Northwest corner of the Southwest 1/4 of said Section 22; thence along the North boundary of said Southwest 1/4 of Section 22, South 89°36'28" East, 2691.06 feet to the Northeast corner thereof; thence South 27°40'48" East, 1543.46 feet to a point on the Northerly maintained right-of-way line of aforesaid State Road 62, as found monumented; thence along said Northerly maintained right-of-way line and the Northerly right-of-way line of State Road 62, per Florida Department of Transportation Right-of-Way Map Section 13060-2501 (120' right-of-way), as found monumented, South 62°10'34" West, 1185.47 feet to the Southeasterly corner of that certain parcel of land described in Official Records Book 1920, page 4101, of the public records of Manatee County, Florida; thence along the Easterly boundary of said parcel of land described in Official Records Book 1920, page 4101, and the Easterly boundary of that certain parcel of land described in Official Records Book 1783, page 107, of the public records of Manatee County, Florida, North 48°01'59" West, 1335.79 feet to the Northeasterly corner of said parcel of land described in Official Records Book 1783, page 107; thence along the North boundary of said parcel of land described in Official Records Book 1783, page 107, North 89°04'25" West, 152.29 feet to the Northwest corner thereof; thence along the West boundary of said parcel of land described in Official Records Book 1783, page 107, South 00°19'08" West, 629.97 feet to the Southwest corner thereof, also being the Northeast corner of that certain parcel of land described in Official Records Book 1772, page 5026, of the public records of Manatee County, Florida; thence along the North boundary of said parcel of land described in Official Records Book 1772, page 5026, and the North boundary of that certain parcel of land described in Official Records Book 1742, page 6120, of the public records of Manatee County, Florida, North 89°04'25" West, 589.98 feet to the Northwest corner of said parcel of land described in Official Records Book 1742, page 6120; thence along the West boundary of said parcel of land described in Official Records Book 1742, page 6120, South 00°19'07" West, 799.97 feet to the aforesaid North right-of-way line of State Road 62, per Florida Department of Transportation Right - of- Way Map Section 13060- 2501 (120' right-of-way), as found monumented; thence along said North right-of-way line and aforesaid North maintained right-of-way line, North 89°04'25" West, 294.99 feet to the Southeast corner of that certain parcel of land described in Official Records 1768, page 4066, of the public records of Manatee County, Florida; thence along the East boundary of said parcel of land described in Official Records Book 1768, page 4066, North 00°19'08" East, 799.97 feet to the Northeast corner thereof; thence along the North boundary of said parcel of land described in Official Records Book 1768, page 4066, North 89°04'25" West, 274.98 feet to the Northwest corner thereof; thence along the West boundary of said parcel of land described in Official Records Book 1768, page 4066, South 00°19'08" West, 799.97 feet to aforesaid North maintained right-of-way line of State Road 62; thence along said North maintained right-of-way line, North 89°04'25" West, 60.00 feet, to the Point of Beginning.

A PARCEL OF LAND LYING AND BEING IN SECTION 22, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE N 00° 52'31" W, ALONG THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 62, THENCE N 89° 43'57" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N 89° 43'57" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 275.00 FEET; THEN N 00° 52'31" W, 800.00 FEET; THENCE S 89° 43'57" W, 275.00 FEET; THENCE S 00° 52'31" E, 800.00 FEET TO THE POINT OF BEGINNING.





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

February 17, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-22-10(Z)(G), which was filed in this office on February 17, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra